IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5481/2003
(Sukhpal Jeet Singh Vs. State of Rajasthan & Ors.)

Date of Order : 11/01/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Dron Kaushik for the petitioner.
Mr. Rameshwar Dave, Dy. Govt. Advocate for the respondents.

BY THE COURT:-

By the instant writ petition, the petitioner seeks direction to the respondents to award him 15 bonus marks on the strength of Certificates Annex.5,6 and 7 and after awarding 15 bonus marks, place him at appropriate place in the merit list.

I have heard learned counsel for the parties.

The facts and circumstances giving rise to the instant writ petition are that the respondent advertised the posts of Physical Training Instructor III published in the daily newspaper on 28.7.2003. The petitioner applied for the said post along with his education qualification and the certificates Annex.5,6 and 7. The petitioner was allotted 10 marks for his participation in the State Level Tournament. However, the petitioner claims that he is entitled for 15 bonus marks as he participated in the national level tournament vide Annex.5 and therefore, instead of 10

marks, the petitioner ought to have been given 15 marks and if 15 marks is given then the petitioner would stand in the merit.

The contesting non-petitioner filed a counter and averred that the petitioner has not participated in the National level tournament and the certificate Annex.5 shows that the petitioner was selected to represent as member in the Inter-university South/West Zone Hand-ball (Men) Tournament. Therefore, it is not a national level tournament but it is a State level tournament. Thus, the petitioner is not entitled for 15 bonus marks which is available to the candidates who have participated in the national level tournament.

From the perusal of the certificate Annex.5 shows that Maharshi Dayanand Saraswati University certified that the petitioner was selected to represent as member of the University Handball team in the Inter University South/West Zone Handball (Men).

Learned Deputy Govt. Advocate appearing for the non-petitioners has relied on decision of Division Bench of this Court in State of Rajasthan & Ors. Vs. Raees Ahmed Qureshi D.B.Civil Special Appeal No. 450/06 decided on 14.11.2006 wherein this Court observed as under:-

> "It is pertinent to mention here that the certificate is in a printed proforma in which the names of the participant the college sports event and the university have been written by hand – in the blank portions as shown in the printed proforma.

The certificate omitting the hand-written words but indicating the blanks runs as under:-

"This is to certify that _____ of _____ was selected to represent as _____ of the Maharshi Dayanand Saraswati University, Ajmer _____ team in the Inter University South West Zone Inter Zonal All India _____ tournament held at _____ in the year 19..."

It would appear that the words "south" and "west" are interjected by an oblique ( ) mark. Indeed, it would appear from the proforma that words "Inter Zonal" and "All India" too are interjected by oblique ( ) mark but they were scored out. It is relevant to point out the words "South" and "Zone" were given a tick mark ( ) which shows that the event was a South Zone event. By scoring out the words "Inter Zonal", the doubt, if any, about the level of tournament-whether it was an intra or inter zonal tournament – stands removed. We have observed above that to quality for 15 bonus marks the event must be between different universities of different zones. The submission that the respondent represented the Maharshi Dayanand Saraswati University, a university falling within west zone and the event being at Gulbarga University, Gulbarga, the tournament therefore, should be held to be inter zonal tournament appears to be attractive but it is not possible to go behind the certificate. As mentioned at the outset, in terms of the advertisement dated 28.7.2003 bonus marks were to be awarded "on production of certificate". The certificate therefore, has to be taken on its face value. There is no averment in the writ petition that entries in the certificate are not correct. We are of the view that if the entries were not correctly made, the respondent should have taken steps to get the certificate corrected amended. At this stage, without any pleading muchless evidence on the point, it is not possible to accept the respondent's case that the tournament was inter-zonal tournament and award him 15 bonus marks on that basis. Case of this respondent also therefore, has to be rejected."

In view of the Division Bench decision in State of Rajasthan & Ors. Vs. Raees Ahmed Qureshi (supra) in my view, the petitioner has failed to establish that he participated in the national level tournament. So far as Annex.7 is concerned, the sports mentioned therein has neither been organised nor counter signed by the competent authority as shown in Annex.R-1 and therefore, no bonus marks is awardable for such participation.

In this view of the matter, I do not find any merit in the writ petition. The writ petition is, therefore, dismissed. Stay petition also stands dismissed. No order as to costs.

(H.R.PANWAR),J.

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